

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

RICHARD SIMKINS,

Plaintiff,

Case No. 3:19-cv-227

vs.

CHRISTOPHER MCINTOSH, *et al.*,

Defendants.

District Judge Walter H. Rice
Magistrate Judge Michael J. Newman

**ORDER DENYING *PRO SE* PLAINTIFF'S MOTION TO REQUEST SERVICE ON
DEFENDANT CHRISTOPHER MCINTOSH (DOC. 32)**

This civil case is before the Court on *pro se* Plaintiff's motion to request service on Defendant Christopher McIntosh. Doc. 32. For the reasons previously set forth by the Court, *see* doc. 15 PageID 162-63, Plaintiff's motion is **DENIED**. *Pro se* Plaintiff should note the Court's General Order 20-09 suspending personal service of process by the U.S. Marshal during the COVID-19 pandemic (attached).

IT IS SO ORDERED.

Date: April 20, 2020

s/ Michael J. Newman
Michael J. Newman
United States Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

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In Re:

**COURT OPERATIONS UNDER THE
EXIGENT CIRCUMSTANCES
CREATED BY COVID-19 REGARDING
U.S. MARSHAL SERVICE OF PROCESS** : **GENERAL ORDER NO. 20-09**

This Court issues this General Order, as one in a series of General Orders, in response to the exponential spread of the Coronavirus Disease 2019 (COVID-19) in the Southern District of Ohio and elsewhere. There are multiple confirmed cases of COVID-19 throughout the Southern District of Ohio generally and in each seat of Court in the Southern District of Ohio: Columbus, Cincinnati, and Dayton. The President has invoked the National Emergencies Act, 50 U.S.C. § 1601, et seq. with respect to COVID-19, has issued guidelines mandating social distancing and the discontinuance of discretionary travel, and the Governor of the State of Ohio, Mike DeWine, has also declared a state of emergency which, among other things, limits large indoor gatherings and has limited travel to essential travel within the state and its respective communities. The Centers for Disease Control and Prevention and other public health authorities have advised taking precautions to reduce the possibility of exposure to the virus and the exponential spread of the disease.

Accordingly, it is ORDERED by the United States District Court of the Southern District of Ohio, that any requirement that personnel in the United States Marshals Service assigned to the Southern District of Ohio effect personal service of process under Federal Rule of Civil Procedure 4(c)(3), 28 U.S.C. § 1915(d), or 28 U.S.C. § 1916, for any cases pending in this District or any other district, is SUSPENDED until further Order of the Court; and it is further

ORDERED that this Order does not apply to service of process by mail, waivers of service under Federal Rule of Civil Procedure 4(d), or service by electronic means, unless otherwise ordered by the Court upon notification by the United States Marshals Service that effecting service of process by mail or electronic means as may be authorized by the Ohio Rules of Civil Procedure—or any equivalent rule of civil procedure applicable to cases pending in any other district where United States Marshals Service personnel assigned to the Southern District of Ohio have been ordered to effect personal service—would interfere with other critical functions they are performing in connection with responding to the COVID-19 public health emergency; and it is further

ORDERED that, in any civil case in which the United States Marshals Service has been ordered to serve process, the time for service under Federal Rule of Civil Procedure 4(m) is TOLLED until further Order of the Court.

IT IS SO ORDERED.

DATED: April 6, 2020


ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE